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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/830,732	08/17/2001	Hubert Haller	2368.119	3602

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PENDORF & CUTLIFF  
5111 MEMORIAL HIGHWAY  
TAMPA, FL 33634-7356

EXAMINER
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KYLE, MICHAEL J

ART UNIT	PAPER NUMBER
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3676

DATE MAILED: 08/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/830,732

Applicant(s)

HALLER, HUBERT

Examiner

Michael J Kyle

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 19 May 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 10-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 13 and 14 is/are allowed.
- 6) ☒ Claim(s) 10-12 and 15-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

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### DETAILED ACTION

1. As an initial matter, examiner notes the telephone conversation with Ms. Evelyn Defillo, where it was brought to the examiner's attention that that the Change of Address filed on September 29, 2003, was not entered by the Office. As a result, the previous Office Action which was mailed on July, 2, 2004, was not received by applicant because it was sent to the improper address. The proper mailing address has now been entered. This Office Action reflects the content of the Office Action mailed on July 2, 2004 (in response to the RCE filed on May 19, 2004), which was not received by applicant. The period for reply begins on the mailing date of this Office Action.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 10, 11, and 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over West (U.S. Patent No. 4,452,390) in view of GB 2039599 (GB '599). West discloses a portable security container comprising a housing (11), a closable case (14) adapted for being received in the housing (11) wherein the case can be inserted and locked by the housing (11), and that the case is provided with its own independent security locking system (25, 28). West also discloses that the independent locking system is a lock (28) with a key (25) and that the housing (11)

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includes a covering (12). West does not disclose the housing to include locking boreholes for locking and for receiving locking bolts associated with the case.

4. However, GB '599 teaches a housing (11) that includes locking boreholes (23) for locking and for receiving locking bolts (17) associated with the case (12) in order to securely lock the case in the closed position (Page 1 of specification, lines 26-30) in a housing.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include the locking boreholes (23) of the housing of GB '599 and the locking bolts (17) of the case (12) of GB '599 in the housing (11) and case (14) of West to more securely lock the case in the housing by supporting the case in the housing with two locking projections, one from each side of the case.

5. With respect to claims 16 and 17, Brush, Jr. et al. (U.S. Patent No. 4,688,493) is cited as an evidentiary reference. Brush, Jr. et al. shows that a fire resistant safe that has steel outer body.

6. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over West in view of GB '599 as applied to claim 10 above, and further in view of Johnson et al. (U.S. Patent No. 2,819,692). Neither West nor GB '599 discloses that the locking boreholes are provided with reinforcements. However, Johnson et al. discloses locking boreholes that are provided with reinforcements (45, 46) for the purpose of guiding the locking bars (43, 44, Col. 3, lines 14-16). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include the reinforcements (45, 46) of Johnson et al. in the housing (11) of West to reinforce the locking boreholes.

7. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over West in view GB '599 as applied to claim 15 above, and further in view of Cantley (U.S. Patent No. 3,970,010).

Neither West nor GB '599 discloses a stationary housing to comprise multiple housings connectable with each other.

8. Cantley teaches a stationary housing (walls surrounding compartment 19) to comprise multiple housings (walls surrounding each compartment 19) connectable with each other, in order to securely store multiple cases in a single unit. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify West and GB '599 as taught by Cantley in order to securely store multiple cases in a single unit.

9. Claims 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sakai (U.S. Patent No. 5,170,907) in view of McConnell et al ("McConnell", U.S. Patent No. 4,786,472).

Sakai discloses a case-safe system comprising a housing (2) and a closed case (1) received in the housing. The case (1) includes an independent security locking system (10b in figure 3a or 10c in figure 5a) and a locking system associated with the housing (10a in figure 3a or 10c in figure 4a). Examiner considers the locking system of the case to be independent because the case can be locked independently of whether it is in the housing or not. Sakai does not disclose a handle on the case.

10. McConnell teaches a case with a handle (see figure 1). Including a handle on a case allows the case to be easily transported. It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Sakai, as taught by McConnell, to include a handle, to allow for easy transport of Sakai's case (1).

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11. With respect to claim 20, Sakai discloses the case (1) to have a cover (14).

12. With respect to claim 21, Sakai does not disclose the case cover to be made of leather.

McConnell teaches a case with a cover made of leather (column 2, line 60, "hard sided leather briefcase"). It is known to make briefcases from leather for aesthetic purposes. It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the case of Sakai, as taught by McConnell, such that the cover is made of leather, for aesthetic purposes.

13. Claims 22 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sakai in view of Specht (U.S. Patent No. 5,870,910) and GB '599. Sakai discloses a case (1) received in a housing (2). The case has a body portion (13) defining a receptacle, and a hinge top flap (14) extending over the receptacle, and a locking system (10a or 10c) associated with the housing (2). Sakai fails to disclose a handle or the housing to include first locking boreholes for locking and receiving locking bolts associated with the case.

14. Specht teaches a case (14) with a handle (110) with anchoring means (108) at each end securing the handle to a top flap (56) of the case. Including a handle on a case allows the case to be easily transported. It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Sakai, as taught by Specht, to include a handle, to allow for easy transport of Sakai's case (1).

15. GB '599 teaches a housing (11) that includes locking boreholes (23) for locking and for receiving locking bolts (17) associated with the case (12) in order to securely lock the case in the closed position (Page 1 of specification, lines 26-30) in a housing. Therefore, it would have

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been obvious to one of ordinary skill in the art at the time the invention was made to include the locking boreholes (23) of the housing of GB '599 and the locking bolts (17) of the case (12) of GB '599 in the housing (2) and case (1) of Sakai to more securely lock the case in the housing by supporting the case in the housing with two locking projections, one from each side of the case. The combination would result locking members 15 and 17 of GB '599 being implemented into the case of Sakai, and boreholes 23 being implemented into the housing of Sakai.

16. With respect to claim 23, Sakai discloses the housing to be stationary on a wall.

***Allowable Subject Matter***

17. Claims 13 and 14 are allowed.

***Response to Arguments***

18. Applicant's arguments filed May 19, 2004, have been fully considered but they are not persuasive.

19. Applicant argues that West and GB '599 both fail to teach a case provided with its own independent security locking system which is independent of the housing security system, and continues to state that West only teaches securing the case inside the housing. Applicant also argues that West does not teach the case to be closable and having its own locking system to keep valuables safe inside during transportation. Examiner disagrees.

20. West clearly and explicitly teaches two different locking mechanisms; one to hold the case (14) in the housing (11) (lock features 16 and 17), and another mechanism, independent of the first, that locks the case (14) shut. This is shown as cylindrical lock 28, in figure 1, operated

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by key 25. West explicitly describes this independent cylindrical lock column 2, lines 34-42, where he states the door 26 “carries a cylindrical lock 28 whereby contents of the container 14 can be removed by opening door 26”. Column 2, lines 11-15 describes lock 28 as being structurally similar to lock 16. Lock 16 is to lock the case within housing, lock 28, independent of lock 16, locks door 26, to prevent access to the articles inside the case. Therefor West not only teaches securing the case in the housing, but independently securing the case, with lock 28. Examiner asserts that because West has independent locking system 28, and because the case can be removed, that valuable will be safe inside during transport. Examiner also notes that are no limitations in the claims that allow for the portability, or ability to travel, of the case, that are not explicitly disclosed by West. Additionally, the door 26 provides access to the valuables in the case 14 of West. The door is hinged at 27, and can be open and closed. Therefore, the case is closable. Applicant’s argument is unclear as to how the case of West would keep valuables secure inside the case, since West provides a lock (28) to secure the valuables in the casing. Examiner notes that GB ‘599 is cited only for the teaching of locking boreholes 23 and bolts 17. West meets all other limitations of claims 10 and 15.

21. Applicant further argues that reference number 12 of West is not a concealment covering. Examiner notes that there are no limitations regarding the concealment covering (or “cover” as amended) that would preclude the examiner from considering the counter 12 to be the cover.

22. New claims 19-23 stand rejected by combinations of Sakai, McConnell, Specht, and GB ‘599 as discussed above.

### ***Conclusion***



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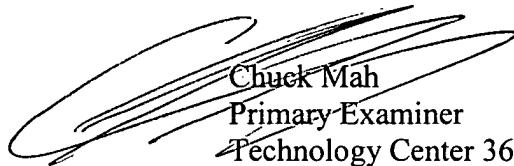
23. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following reference is shown to further show the state of the art with respect to cases locked in a housing: Walsh et al.

24. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J Kyle whose telephone number is 703-305-3614. The examiner can normally be reached on Monday - Friday, 8:30 am - 5:00 pm.

25. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Shackelford can be reached on 703-308-2978. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

26. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

mk



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